

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 APR 28 PM 12:27

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar GUTIERREZ-Ramirez,

Defendant

) Magistrate Docket No.

'08 MJ 1328

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **April 25, 2008** within the Southern District of California, defendant, **Oscar GUTIERREZ-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **APRIL 2008**.



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Oscar GUTIERREZ-Ramirez

PROBABLE CAUSE STATEMENT

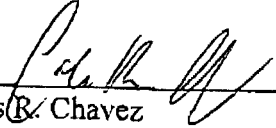
I declare under the penalty of perjury that the following statement is true and correct:

On April 25, 2008, at approximately 1:10 P.M., Border Patrol Agent S. Pair was performing line watch duties near an area known as "The 90's". This area is approximately five miles west of the San Ysidro, California Port of Entry and is approximately 25 yards north of the United States/Mexico International Boundary Fence. "The 90's" is an area notoriously used by illegal aliens to further their illegal entry into the United States.


While en route to assist another agent, Border Patrol Agents A. Preciado and Agent Pair observed six individuals running south into the brush. Agents Preciado and Pair responded to the area and after a brief search, they discovered six individuals in the thick brush, including one later identified as the defendant **Oscar GUTIERREZ-Ramirez**. Agent Pair identified himself as a United States Border Patrol Agent and questioned the defendant as to his country of citizenship and nationality. The defendant freely admitted that he was a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally. All six individuals, including the defendant, were arrested and taken to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on May 12, 2006 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on April 26, 2008, at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 25, 2008, in violation of Title 8, United States Code, Section 1326.


Nita L. Stormes
United States Magistrate Judge

426.08 @ 12:40 PM
Date/Time